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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 20th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 18 August 1999, at 10 a.m.

Chairman: Mr. HATANO

later: Mr. RAMISHVILI
(Vice-Chairman)

later: Mr. HATANO
(Chairman)

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The meeting was called to order at 10 a.m.

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKE IN TURKEY

1. Mr. PARK Sang-yong, referring to the earthquake that had struck north-western Turkey the previous morning, expressed his sympathy to the Government of Turkey and called upon all States and regional and international organizations to join in the efforts to provide humanitarian assistance for those affected. In the context of a natural disaster, the basic human rights to life, food, clothing, shelter and health acquired added cogency.

2. Ms. DAES, Mr. GUISSÉ, Mr. WEISSBRODT and the CHAIRMAN associated themselves with the statement by Mr. Park Sang-yong.

3. Mr. SUNGAR (Observer for Turkey) thanked the members of the Sub-Commission for their condolences. He also expressed his Government's gratitude to the many countries that had responded swiftly and generously to provide assistance to the victims.

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (agenda item 8) (continued) (E/CN.4/Sub.2/1999/21 and 37; E/CN.4/Sub.2/1999/NGO/2, 6, 11 and 18)

4. Mr. PHILLIPS (Minority Rights Group) said that his organization wished to thank all those, including the Secretary-General of the United Nations and the High Commissioner for Human Rights, who had paid tribute to its former chairman, Neelan Thiruchelvam, recently killed by a bomb attack in Sri Lanka. No political movement had the right to use a national liberation campaign as a pretext for violating human rights and fundamental freedoms, whether of a minority or a majority. Dr. Thiruchelvam had been killed on 29 July 1999 for being too effective and too committed to resolving old hatreds.

5. The best homage the international community could pay him was to continue his work of promoting human rights and reconciliation in Sri Lanka. Minority Rights Group thus urged all the parties in Sri Lanka to move towards a just and democratic solution to the conflict, possibly with the involvement of a neutral party; supported initiatives for constitutional and legislative reform and devolution in Sri Lanka; and invited the High Commissioner for Human Rights to find an appropriate way of commemorating Dr. Thiruchelvam and celebrating his life.

6. Ms. VERGNASSI (European Union of Public Relations) said that the freedom of worship proclaimed by Mohammed Ali Jinnah, Pakistan's founding father, counted for nothing in contemporary Pakistan, a self-styled "democracy" where the Ahmadiyah and Zikri sects were persecuted and Sikh temples threatened with desecration; where leaders called for a jihad against Hindus, and where Christians and their children were sentenced to death under the blasphemy laws. Those laws had allowed police to stand idly by while fundamentalist mobs ransacked Christian homes, burned Bibles and molested women in the Punjabi town of Shantinagar; and had led to the suicide of Bishop John Joseph in protest against a death sentence imposed on a Christian for blasphemy.

7. Discrimination against women was already enshrined in Pakistani legislation and fundamentalist Sunni groups closely allied with the Taliban were flourishing, as women were learning to their cost. The growing influence of the Taliban provided a chilling foretaste of what lay in store for Pakistan's minorities.

8. Ms. SHAUMIAN (International Institute for Peace) said that the irrational notion was gaining ground that some groups were fundamentally incompatible with a society. Majority communities thus sought to suppress minorities by constitutional, legislative and cultural means. The Sub-Commission should honour the memory of Bishop John Joseph, who had killed himself in protest at the continued application of Pakistan's blasphemy laws, by urging States, including Pakistan, to ensure that persons belonging to minorities enjoyed the full exercise of all their human rights.

9. With the end of the cold war, internal and international ethnic and territorial tensions had erupted with renewed vigour. The essential political problem facing the international community on the eve of the new millennium was how to reconcile the right to ethnic sovereignty with the insistence on territorial integrity. Multinational States must adopt new approaches to resolving tensions, taking account of the changing face of the contemporary world, and without recourse to military force. In that connection, her organization drew attention to the continued use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination.

10. Mr. BHAN (Indian Council of Education) said that majority communities in nation States were responding to racial, linguistic and religious diversity with discriminatory and oppressive measures, using constitutional, legislative and cultural structures to force minorities to conform. Discriminatory measures were to be found in the legislation of most States parties to the international instruments prohibiting discrimination. Stern measures must be devised to compel States to dismantle the legislative and constitutional structures that promoted discrimination against minorities.

11. Mr. KHALIFA paid tribute to Mr. Eide, Chairman-Rapporteur of the Working Group on Minorities, for his continuing dedication to the cause of minorities. Mr. Eide's work on the topic was all the more significant in that it had begun against the turbulent background of the disintegration of the Soviet Union in the early 1990s. He himself recalled predicting, at the Sub-Commission's forty-sixth session, that it should prepare for a proliferation of mini-States. And indeed, the number of States Members of the United Nations had increased in the last 10 years from 156 to 185.

12. The slackening of the balance of power in the 1990s had resulted in a scramble by small groups to assert their right to self-determination - though it was worth noting that more than 100 nationalities had coexisted peacefully in the Soviet Union, albeit at some cost to their freedom.

13. The root of the problem was discrimination. Discrimination was a poison that fed prejudice and intolerance, leading to rejection of the other. Factors such as interference by foreign vested interests also fanned the flames. Major Powers preferred to deal with divided and exhausted entities.

14. While Europe, with its diversity of nationalities, languages and cultures, was tending towards unity, the trend in the less developed world was towards a fragmentation into mini-States. The challenge facing the Working Group was to halt that avalanche. Tiny minorities needed no further encouragement to secede. Certainly they deserved all possible support to attain full equality within existing borders. To safeguard peace, however, existing borders should be preserved and stabilized, for some time at least. That comment did not, of course, apply to sizeable minorities that had long suffered intolerable injustice and had exhausted all other means of securing their deliverance.

15. Nonetheless, the right to self-determination must be kept within reasonable limits. The concept of self-determination extended from simple local self-management, through autonomy and self-rule, to full-scale secession. The notion of a "minority" should be interpreted stricto sensu, so as to dissuade small groups from breaking away and forming small, unviable entities, unfit for statehood.

16. The current tendency to inflate the concept of minorities was exemplified by the Sub-Commission's consideration of religious minorities to be minorities within the meaning of article 27 of the International Covenant on Civil and Political Rights. If the faith or belief at issue had no ethnic, linguistic, racial or cultural traits differentiating it from the majority, its adherents were certainly entitled to equality and freedom from discrimination; but they could hardly be regarded as entitled to the ultimate right of minorities, namely, self-rule or a separate State.

17. By indulging its fascination with the minorities issue, the Sub-Commission would be denying diversity, which was a source of strength. Thus, the United States of America was a melting pot of differing ethnic groups, beliefs and cultures which, in the course of two centuries, had risen to world pre-eminence.

18. The Working Group should make the elaboration of a better definition of a minority a priority in its future work; for its task was to prepare the ground for a convention and, in a convention, every term must be quite clear-cut. Consideration must also be given to the question whether an oppressed majority could be regarded as being equivalent to a minority.

19. The Working Group deserved all possible praise. Its report on its fifth session (E/CN.4/Sub.2/1999/21) contained a wealth of valuable contributions from eminent sources. It must, however, be aware of the pitfalls that lay in its path; and, in particular, must guard against the temptation to venture into the minefield of politics. Every minority complaint or dispute had a political component. The Working Group was entitled to use good offices, facilitate contacts, and preach peaceful solutions: nonetheless, it remained a Working Group of the Sub-Commission, and should not venture to pass political judgements. In respecting that proviso, it would be proving its wisdom and giving valuable service on a problematical issue.

20. Mr. FAN Guoxiang said that he had reservations concerning the Working Group's recommendation that minorities should be involved at the international level in the formulation, adoption, implementation and monitoring of standards

and policies affecting them (E/CN.4/Sub.2/1999/21, para. 82 (b)). Minority issues had to be discussed within countries and, while international concern was legitimate, it was not legitimate to place minorities on the same level as countries.

21. Minorities should not just be passive recipients of protection but, as equal members of the country in which they lived, should participate actively in all aspects of their own protection, and in legislative, administrative and advisory bodies at the local, regional and national levels. The question of minorities had to be dealt with on the assumption that minorities were a part of the country concerned; they should respect that country's jurisdiction and, if they had complaints or problems, they should make use of the legal process. Employing violence or engaging in insurgency was not acceptable.

22. The common denominators of the dialogue should be that the unity of the country was paramount and that all members of society must act within the law. People should not engage in an unconditional dialogue if, at the same time, they were carrying out separatist activities and arguing that the area in which they lived was not part of the country. Mr. Eide had spoken of the existence of "conflict entrepreneurs", who were trouble-makers rather than solution-seekers; it was the bridge builders who should command respect.

23. Mr. SHAMSHUR said he welcomed the trend evident in the report of the Working Group on Minorities on its fifth session (E/CN.4/Sub.2/1999/21) for the Group to be continuously preoccupied with rationalizing its working methods and devoting its sessions to specific pressing problems. He also supported the creation of a broad database on minority issues and the holding of regional seminars, which might help to correct the imbalance of the Working Group tending to concentrate on Europe-related issues.

24. Its recommendations on effective participation and on the issue of multicultural and intercultural education were commendable. A more challenging task was the creation of a viable framework for constructive interaction at various levels of society between majorities and minorities and between the various minorities. The recommendation that a manual be prepared on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was also deserving of support.

25. The highly controversial topic of a definition of minorities had serious implications in terms of government policies towards minorities, although discussion of minority issues in many countries might be more structured if a standard definition existed. The Working Group would undoubtedly be returning to the question of a definition in the future.

26. If it was agreed that citizenship was an important condition for full and effective participation, then the Working Group was right to consider it but, in his own opinion, the Working Group was not the most appropriate forum for discussing the issue of dual citizenship and he could not agree with the broad interpretation of the right to a nationality, laid down in the Universal Declaration of Human Rights, as constituting an obligation on the part of a State to grant its nationality to individuals who were permanent residents. The Working Group should concern itself rather with the promotion of non-discriminatory practices and procedures.

27. Lastly, he endorsed the view expressed in the report that States should be encouraged to submit information on best practices. Governments that sought and implemented measures to address the needs and promote the rights of minorities despite difficult economic or political circumstances deserved active encouragement, even if their work did not produce immediate and visible results.

28. Mr. ALFONSO MARTÍNEZ said that the Sub-Commission should discuss dual citizenship, an issue with a great practical impact on people's daily lives that needed to be understood better. The purposes which the implementation of minority rights should serve were: ensuring equality between all individuals and minorities in a society; contributing to the enjoyment of all human rights by all members of a society; guaranteeing access to resources on a basis of equality; and integrating all minorities as essential components of peaceful, democratic and pluralist societies and ensuring harmony and stability within and between States.

29. The core issues in the promotion of minority rights and the preservation of their identity were language and education and cultural aspects in general. Political participation was a very thorny issue, since the persons concerned often wished to continue to maintain links with their countries of origin; that element had to be taken into account when considering the possibility of their participation in the political life of the country in which they lived.

30. The Working Group had expressed its firm conviction that all issues relating to minorities should be solved by peaceful means at the national and international levels and that the threat or use of force in contravention of the provisions of the Charter of the United Nations was a violation of the general principles and standards of international law and threatened international peace and security.

31. Lastly, the Working Group had expressed its concern at the scanty resources available to the Office of the High Commissioner for Human Rights (OHCHR) to carry out a task which should, in fact, be expanded. The Sub-Commission should recommend to the Commission and the Economic and Social Council that all avenues be explored so that, through education and the dissemination of information, minorities were made aware of the culture, language and customs of others, because that was an essential element in establishing peaceful coexistence between groups with different ideas, cultures and approaches.

32. Ms. UDAGAMA said that her lamented friend and colleague, the late Dr. Neelan Thiruchelvam, had described as the singular tragedy of the times that, despite 50 years of endeavours to protect and promote human rights globally, the era was still one in which genocide dominated the international news. Minds had become smaller, the world view of many had contracted and become parochial and, consequently, the coexistence of different groups in a given society had become more difficult. Most contemporary armed conflicts were centred around disputes between majority and minority communities.

33. A number of the initiatives of the Working Group on Minorities were to be encouraged. The effort to put together an authoritative Commentary on the Declaration on the Rights of Persons Belonging to National or Ethnic,

Religious and Linguistic Minorities could encourage civil society actors and policy makers to use the Declaration more effectively since it would demystify the Declaration's principles and be a useful tool in influencing jurisprudence. The planned manual on the Declaration explaining its principles and offering guidance to its procedures and mechanisms would, if it were translated into as many languages as possible, increase general knowledge of the Declaration and contribute to the empowerment of minority groups. As for the initiative to establish a worldwide database on minority issues, it should be expanded to include a guide on best practice covering all institutional arrangements and the relevant comparative jurisprudence. The project was an ambitious one, but it was of inestimable value and should benefit from OHCHR assistance.

34. The Working Group was also discussing the possibility of drafting a convention on minority rights and establishing a specialized minority rights complaints mechanism within the United Nations system. The more immediate need, however, was to explore ways and means of creating early warning systems: the ethnic conflicts in Rwanda, Burundi and the former Yugoslavia might well have been avoided if such a mechanism had existed and timely action had been taken.

35. Lastly, she wished to clarify a point attributed to her in paragraph 22 of the report (E/CN.4/Sub.2/1999/21) which stated that, in respect of article 4.1 of the Declaration, she had proposed that emphasis be placed on the enjoyment of human rights by all members of the community, both minorities and majorities. In fact, the point she had made was the need to emphasize the enjoyment of rights by all within a minority community especially without gender discrimination. The subjection of women to oppression and denial of human rights often took place in the name of preserving tradition and cultural identity.

36. That was the darker side of identity politics, which had also denied the Sub-Commission the presence and vision of Dr. Thiruchelvam, whose death had been an unbearable loss to all communities in Sri Lanka. It was essential to ensure that he had not died in vain.

37. Ms. DAES said that the discussion in the Working Group regarding the Commentary on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (E/CN.4/Sub.2/1999/21, paras. 19-24) had shown that more work had to be done to clarify some important concepts such as the distinction between "national" and "ethnic". Experience had shown, moreover, that defining the concept of minority at the global level was no easy task; there were different views and different considerations at both the national and international levels.

38. She proposed that the Chairman-Rapporteur or a member of the Working Group should prepare a comprehensive working paper containing criteria that should be applied in order to determine whether a person belonged to a minority or was an indigenous person. It would also be useful to have a one-day joint meeting of the Working Groups on Minorities and on Indigenous Populations to discuss the adoption of such criteria.

39. She was in favour of intercultural education as a way of providing minorities with opportunities to acquire knowledge of society as a whole, of the establishment of a database containing information on special procedures and treaty bodies, and of the request that the Secretary-General give the Working Group every assistance in fulfilling its mandate.

40. Mr. GUISSÉ, having congratulated the Working Group on its thought-provoking report (E/CN.4/Sub.2/1999/21) which provided an excellent foundation for its future activities, said he agreed with the Group that a definition of "minorities" was neither necessary nor feasible. The Group's work could be sufficiently delimited by basing it on the provisions of international instruments that enumerated very precisely the various existing minorities, which could be identified by their practices, traditions and specificities. He was pleased to note that the Working Group had taken into account criticisms of the geographical scope of its work.

41. As integral parts of a country, minorities had a duty to participate in all that country's activities, to join in the task of national construction, and in its economic development effort as a whole, and enjoyed the right to share in the benefits of economic development. Some minorities, however, failed to understand their obligation to function as part of a national entity. Self-determination and separatism should not be confused. It would be a mistake to think that self-determination opened up an avenue to pursue separatism. In the course of the debate, the idea of parallel legislation had been canvassed. That he regarded as a mistaken course which could undermine the unity and integrity of States. Its dangers were particularly evident in Africa, where it had constituted a serious threat to the national stability.

42. Mr. WEISSBRODT, having commended the Working Group on Minorities on its useful review of the promotion and implementation of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, said that he had singled out for special mention the current situation of the Roma people, commonly known as "gypsies", who were scattered across many countries, mainly in Europe and suffered many disadvantages. Despite their cultural and ethnic distinctiveness, they were often not recognized as a protected minority by national law. They had been among the victims of the Nazi holocaust and were often denied access to education within the public system and to reasonably paid employment, or indeed to employment at all. Moreover, their lack of documentation was a barrier to the granting of citizenship and access to social benefits.

43. The Human Rights Committee had, on 28 July 1999, expressed its concern about discrimination against the Roma minority in Romania and the Committee on the Elimination of Racial Discrimination had expressed similar concerns regarding Bulgaria, the Czech Republic and Italy, although some of those countries, particularly the Czech Republic and Romania, were endeavouring to improve the situation.

44. There had so far been no adequate United Nations study of the situation of the Roma people, and he believed that the Sub-Commission could make a significant contribution if one of its experts were to prepare a working paper, without financial implications, on the protection of their rights, for submission to the Working Group on Minorities and the Sub-Commission at their forthcoming sessions.

45. Mr. BENGOA said that the emergence of groups claiming the right to exist as distinct entities from those around them had come to occupy a central position in international conflicts and presented a challenge beyond the capacity of traditional international instruments to address. There was a divergence of academic opinion about the causes of that phenomenon. Some argued that globalization was resulting in increasing cultural homogenization, which would eventually relegate the claims of minorities to a folklore level. Others did not share that view, arguing that globalization and the weakening of the integrating capacity of the State would unleash further eruptions of ethnic, linguistic, and national identities.

46. From the political point of view, Governments, States and the general public were at a loss to know how to deal with the emergence of those new identities. Most people would, perhaps, accept the phenomenon as an objective fact, but there was also movement towards a "subjectivist" or "constructivist" view which maintained that what was occurring was not a rebirth of old identities and traditions but a reinterpretation of the past, the history of the group or collective, in the context of globalization. Minorities had one eye on the past and the other on the future, on a new identity that they were seeking to shape.

47. That vastly complex situation imposed on the Sub-Commission the exceptionally difficult tasks of agreeing on a definition of minorities, of seeking good models of pacific coexistence, of effective forms of participation, and systems of negotiation to resolve conflict situations. In addressing those tasks the Working Group had an extremely important role to play and its activities deserved to be supported by adequate funding.

48. Ms. HAMPSON, having congratulated the Working Group on the report on its fifth session (E/CN.4/Sub.2/1999/21), which she had found thought-provoking, said that mobile minorities, such as the Roma, presented particularly difficult problems because their lack of political organization complicated the task of finding interlocutors. One useful step would be to organize an exchange of information between States on the way in which they addressed problems of that kind, which might make it possible to identify some models of good practice.

49. The participation of minorities in public life raised the issue of the scope of the right to self-determination. The Human Rights Committee, commenting on article 1 of the International Covenant on Civil and Political Rights, had suggested that a situation where a particular group in the population was denied the opportunity to participate in public life, might constitute an exception to the general rule that the principle of self-determination had no application in the case of a sovereign State. While, in situations of tension, such as in Bosnia-Herzegovina, the creation of parties based on ethnicity or nationality could exacerbate the situation, the denial of a vehicle through which a group's grievances could be articulated might encourage the resort to the illegal manifestations of frustration, as had occurred with Kurdish political parties in Turkey.

50. One way of reconciling such tension might be for the State to give positive encouragement to multiple identities, such as existed, for example, in the case of the Scots in Britain. States could advocate the advantages of

diversity whilst also building a collective identity. Dual citizenship could reduce the risks of intervention by one State in the affairs of another where its nationals also enjoyed citizenship. Much less tractable were the issues posed by indigenous minorities or minorities with no home state. Unlike, for example, migrant workers who, while entitled to the protection of their civil and political rights, might have restrictions imposed on the exercise of some of the latter, and the scope of whose economic rights might be different from that of nationals, that was not the case with such minorities whose situation might need to be addressed separately.

51. On the important question of the necessity to define the term "minority" she was keeping an open mind but thought it might be necessary to define the term so as to prevent a State from resorting to the ultimate form of discrimination, namely, a denial that it had any minority in its jurisdiction, when that was patently not so. Another question on which she had not made up her mind was whether it was more appropriate to handle the issues posed by religious minorities as a question of respect for religious beliefs, rather than a minority question as such.

52. Mr. EIDE, speaking in clarification of a point several speakers had raised concerning the disruption of States by minorities pursuing the right to self-determination, drew attention to article 8, paragraph 4, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities which read: "Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States." That seemed to him to exclude the pursuit of separatism on the basis of minority rights.

53. Mr. Ramishvili, Vice-Chairman, took the Chair.

54. Mr. SHINOJI (World Federation of Trade Unions) said that, while images of the mindless slaughter of minorities in various parts of the world would undoubtedly be in the minds of participants in the current discussion, he wondered whether the members of the Sub-Commission were fully aware that terrorist groups in Pakistan held public meetings annually at which they called for the death of Hindus, Jews and Americans and vowed to ensure the destruction of India because it had a majority population of Hindus. In that connection, he wished to highlight in particular the plight of the persecuted minority of Kashmir Pandits, who had created an ethos of religious tolerance that the fundamentalist mercenaries of Pakistan wished to destroy.

55. Mr. MUHAMMAD (Caucasians United for Reparations and Emancipation) said that, although the so-called African-Americans were a people not a minority in the United States, their status was that of a minority. They had, however, been denied the right to protect their culture and identity in violation of article 27 of the International Covenant on Civil and Political Rights and articles 2 and 3 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. By forcibly depriving African-Americans of their mother tongue, the United States Government had uprooted their collective identity, a condition that was irreversible.

56. He urged the United Nations to establish a forum for African-Americans at its Headquarters in order to restore their legal and political standing and their status as a people. The forum would set up a governing body, consider the devolution of parts of the United States Constitution, offer choices regarding "mother tongue", and discuss reclamation, reparations and, in some cases, migration to a friendly nation. The resulting package would be submitted to the United Nations and form the basis of a dialogue between African-Americans and the United States Government. The forum would be funded either by the United Nations or by Governments committed to the ideal of liberty.

57. He thanked the Sub-Commission for instructing the Working Group on Minorities to address the legacy of the slave trade in the Americas and elsewhere.

58. Mr. PANDITA (Interfaith International) said he gathered from the latest report of the Working Group on Minorities (E/CN.4/Sub.2/1999/21) that the controversy over the definition of a "minority" had been resolved. However, there was scope for further elucidation and interpretation of the term in the context of human rights. For example, where a national minority became a regional minority and its minority status was not formally accepted by the national or regional authorities, it was vulnerable to human rights violations. The same applied to minorities that were numerically small and thinly dispersed in a given region. The participation of such minorities in governance was generally impracticable.

59. The mere presence of a democratic form of government did not necessarily ensure protection for minority rights. In emerging democracies, minorities were oppressed by arrogant majoritarianism and the concept of the gentle persuasion of minorities had not yet taken root in third-world countries.

60. Another phenomenon that needed to be addressed was that of the external instigation of anti-minority sentiment in a region with which the instigators claimed to have ethnic, religious and linguistic bonds. Pan-Turkism or pan-Islamism, for example, in the former States of the Soviet Union and the Indian State of Jammu and Kashmir, had been hijacked by vested interests, who whipped up anti-minority frenzy that had led to atrocities. Ethno-religious cleansing of minorities was the worst manifestation of external manipulation.

61. A diaspora could also play a malicious role by discrediting minorities in the country from which its members had emigrated, in some cases influencing electoral trends. Even in advanced democracies, diaspora "vote bank" tactics were used for self-aggrandizement.

62. The question of return and resettlement of displaced or exiled minorities should be given more serious attention. Their secure return and rehabilitation would empower them to exercise their constitutional right to participate in governance and help them to establish their political and cultural identity. Minority groups, especially small groups that had suffered persecution, should be able to exercise their right of self-determination, as an autonomous region within a larger autonomous entity, for example.

63. Mr. WILKES (Consultative Council of Jewish Organizations) said he hoped that the United Nations Year of Dialogue among Civilizations in 2001 would take the role of minorities in the process of civilization seriously. The Sub-Commission should urge the United Nations bodies involved in the Year to draw on the services of experts in the rights of minorities and should sponsor a study of the topic for discussion by the Commission on Human Rights at its fifty-seventh session.

64. The persecution of minorities in countries purportedly guided by advanced "civilized" values undermined the whole idea of "civilization". Any dialogue about the values of civilization must look at the way its ideals were translated into practice at the governmental and social levels. The question was whether the persecution of a minority was simply a lapse from civilized ideals or whether it utterly subverted the claim of majorities to embody the civilization with which they identified. The persecution of the Jews in Europe had escalated at a time when the majority of Jews had eagerly adopted "European" values and culture.

65. The situation of Jews in the Muslim world had deteriorated in the nineteenth century, partly because they had integrated more fully into local society and had lost their distinctive European contacts and their technological and medical knowledge. On the other hand, in the preceding centuries of dynamic interaction between Christian, Jewish and Muslim communities, "Islamic" and "Western" society and culture had both been vitally affected by the contributions of minorities. The distinctive role played by minorities in the "dialogue of civilizations" had once been highly valued. He wondered how much it was still valued.

66. The Seminar on Islamic Perspectives on the Universal Declaration of Human Rights, hosted by OHCHR in November 1998, had laid the foundations for a scholarly dialogue to which scholars from minority groups living with Muslims could make a valuable contribution. The Jordanian Royal Institute for Interfaith Affairs had led the way in pursuing a scholarly dialogue between Christians and Muslims, which addressed, inter alia, the issue of the treatment of religious minorities. The Secretary-General should be urged to solicit voluntary contributions to fund such initiatives.

67. Through dialogue, majority and minority groups could increase respect for their differing approaches to civilization, but only if they acknowledged the dynamic relationship that existed between them. Nobody could claim to show civilized respect for the human rights of vulnerable groups unless they acknowledged the contribution that those groups had made to their civilization.

68. Ms. BATHA (World Evangelical Fellowship) said that minority religious groups often endured discrimination and persecution by representatives of majority religions or by a State bent on eradicating or controlling forms of religious expression to prevent possible challenges to its authority. That was particularly true in the communist world where, at worst, expressions of religious belief were ruthlessly stamped out and, at best, tolerated only within State-controlled bodies. As a result, tens of millions of believers were vulnerable to harassment, fines, detention, torture, forced labour and "re-education". Even in the post-communist countries of Central

and Eastern Europe and the Commonwealth of Independent States (CIS), State control of religion, for example through registration, continued, often with the support of the majority religious group.

69. In the Sudan, the attempt in 1983 by the Muslim North to impose Shariah law on the Christian and Animist South had been the catalyst for the ongoing civil war. Saudi Arabia claimed that its population was 100 per cent Muslim and prohibited the practice of other religions. Similar practices existed in neighbouring States. In Pakistan, the blasphemy law protected Islam only and carried the death penalty. It had frequently been used to vent personal animosities. Pakistan also operated a separate electoral system in which individuals voted according to their religion.

70. Religious extremism had recently led to an escalation in religious hatred and violence in India, directed mainly against the Christian minority. The failure to investigate and prosecute the perpetrators and to provide genuine protection against incitement to hatred had enabled the attacks to continue. The trend was spreading to Nepal, where groups with the declared aim of destroying churches and mosques were registered, while peaceful minority religious groups had been denied registration and were subjected to arrest and attack.

71. In Myanmar, the military were seeking to impose control through policies of forced conversion to Buddhism. Christians had been forced to build pagodas and converts to Buddhism received extra rations and were exempted from forced labour.

72. Her organization urged the Sub-Commission to examine the legal provisions governing religion, the effects of State religions or ideologies, the limits on legitimate State interference in private or corporate religious activities, the protection of religious minorities from intolerance and the existence of measures to prevent impunity.

73. Mr. GENIUSAS (International Federation of Free Journalists) said that population transfer had led to many ethnic problems and conflicts involving minorities throughout the world, not least in the Balkans. Accurate and reliable information on minorities was still lacking in many places, in Belarus, for instance, where the regime had closed down the last remaining independent daily and stepped up its violent campaign against opposition activists.

74. Language constituted the essence of social, cultural and political identity and of the national unity of a sovereign State. In the Baltic States, however, the 50-year Soviet occupation had led to the suppression of national languages and the imposition of a foreign tongue. The demographic situation had been altered by mass arrests and deportations and intensive colonization. Latvia had been the country worst affected by the ruthless Russification policy. By 1989, Russian-speaking settlers had outnumbered native Latvians in Riga and the other major cities. The Latvian language had, however, regained its status as the official language of the country. Belarus, on the other hand, had been losing its linguistic and cultural identity since granting Russian the status of an official language after the 1995 referendum. In most of the autonomous republics of the Russian Federation, Russian had ousted the native languages of the indigenous peoples in both administrative affairs and education.

75. According to an Estonian report published in 1999, the damage done to the structure of Estonian citizenship during the 50-year occupation of the country would take time to repair. Estonia's language teaching programme would facilitate the integration of all residents into the country's economic, social and political life. The number of students attending Estonian-language vocational schools and universities had increased considerably in recent years.

76. He urged the Russian Federation to cease its false allegations of discrimination against the Russian-speaking minorities in Estonia and Latvia and to pursue a path of constructive cooperation, following the good example set by Lithuania.

77. Mr. Hatano resumed the Chair.

78. Mr. PUNJABI (Himalayan Research and Cultural Foundation) said that there was a definite need to make a clear distinction between the terms "minority" and "indigenous people".

79. The Working Group on Minorities stated in the report on its fifth session (E/CN.4/Sub.2/1999/21) that the processes of implementation of minority rights should, inter alia, serve the purpose of establishing minorities as an essential component of peaceful, democratic and pluralistic societies and of ensuring harmony and stability within States. The apprehension still existed, however, that overemphasis on minority rights in a pluralistic society could threaten territorial cohesion and lead to instability. That apprehension was an obstacle to the protection of minority rights. The situation was further complicated when rival States promoted jingoism and militancy among minority groups in order to further their strategic objectives. It was important, therefore, to convince States that the processes of protecting and promoting minority rights were not directed towards fomenting instability.

80. The Working Group had recommended the decentralization of powers, based on the principle of subsidiarity, with a view to enhancing the chances of minorities to participate in the exercise of authority over matters affecting them and their societies. It had been wise enough to avoid using the term "autonomy" which, together with "self-determination", had been used by individuals and groups backed by external forces to foment chaos in target States. Although decentralization had resolved many conflicts involving minorities, it was viewed with suspicion by States on the grounds that it could ultimately lead to their dismemberment. He therefore urged the Sub-Commission to make a declaration to the effect that such processes would not be allowed to result in the disintegration of States.

81. The implementation of minority rights was intertwined with the democratic process. Threats to such rights emanated from authoritarian regimes and dictatorships as well as from fundamentalist and extremist elements. The situation of minority rights in individual countries and progress in implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities should be monitored on a regular basis.

The meeting rose at 1 p.m.